

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI SOUTHERN DIVISION**

Janis J. Wells	)	
	)	
Plaintiff,	)	
	)	
	)	
v.	)	Case No.
	)	
UNUM Life Insurance Company	)	
of America	)	
	)	
Defendant,	)	
	)	

**PETITION TO RECOVER DISABILITY BENEFITS, TO ENFORCE RIGHTS  
UNDER THE TERMS OF A DISABILITY INSURANCE POLICY AND TO  
CLARIFY RIGHTS TO FUTURE BENEFITS**

**COMES NOW** the Plaintiff, Janis J. Wells, and for her cause action against Defendants, hereby states, alleges, and avers as follow:

1. Plaintiff is a resident of Stone County, Missouri residing at 256 Sweetcorn Drive, Galena, Missouri 65656.
2. Defendant, UNUM, is a corporation doing business in the State of Maine. Defendant UNUM provided Plaintiff with a policy of long-term disability benefits through Plaintiff's employment from at least January 1, 2019 through September 5, 2020.
3. The cause of action stated in this petition occurred in the Southern Division of the Western District of Missouri, which is where the breach of the plan took place.
4. Previously, through her employment, for and in consideration of the payment of a stated premium, Defendants made and issued to Plaintiff the policy of insurance whereby Defendants promised and agreed to Plaintiff payments if Plaintiff became disabled.
5. A group policy of insurance was provided by Defendants and all provisions of said policy are incorporated herein and made a part hereof by reference.

6. On July 13, 2021 Defendants made a final denial of Plaintiff's claim for disability benefits under said policy of insurance. A copy of the denial is attached hereto as Plaintiff's Exhibit "A" and incorporated herein by reference as if fully set forth.

7. Plaintiff has exhausted all administrative remedies to redress her denial of benefits.

8. Said policy of insurance was continuously in full force and effect from the time of its issuance through the date last employment; at which time Plaintiff became disabled, rendering Plaintiff incapable of performing any employment.

9. Plaintiff has in all respects complied with the terms and conditions of said policy as it was effect, giving Defendants due notice and proof as to the onset, nature and extent of Plaintiff's disability.

10. Despite demand from Plaintiff, Defendants have failed and refused and continue to fail and refuse to pay continuing sums to Plaintiff under the terms of the aforesaid policy of insurance.

11. That there is now money due and owing from Defendants to Plaintiff under the terms of said policy of insurance and Plaintiff is further entitled to a declaration insurance.

12. This action is commenced pursuant to the Employment Retirement Income Act ("ERISA") 29 U.S.C. 1001, et seq. Pursuant to 29 U.S.C. 1132(a)(1)(B), a civil action may be commenced by a participant or beneficiary of a plan to recover benefits due her under the terms of the plan, to enforce her rights under the terms of the plan, or to clarify her rights to future benefits under the terms of the plan.

13. Plaintiff is a "participant" or "beneficiary" under Defendants' plan of disability insurance with the meaning of 29 U.S.C. 1132 (a)(1).

**WHEREFORE**, Plaintiff prays for judgment against Defendants:

1. For such sums that are fair and reasonable under said policy of insurance;
2. For a finding and declaration as to additional entitlements owed to

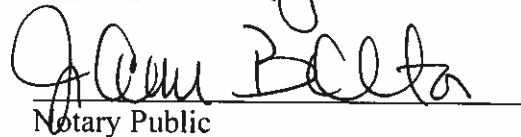
- Plaintiff in the future under the terms of the policy;
3. To enforce Plaintiff's rights under the terms of the policy;
  4. For interest on each unpaid benefit from the date each payment became due;
  5. For reasonable attorneys' fees; and
  6. For Plaintiff's costs herein expended and for such other and further relief as this Court may deem appropriate.

STATE OF MISSOURI     )  
  )ss  
COUNTY OF GREENE     )

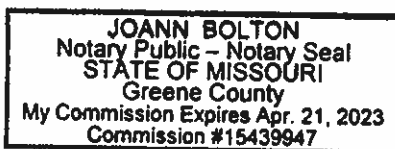
The undersigned having been duly sworn, upon her oath states that she is the Plaintiff in the above foregoing Petition and that the facts stated therein are true according to the best knowledge and belief of this affiant.

  
Janis J. Wells

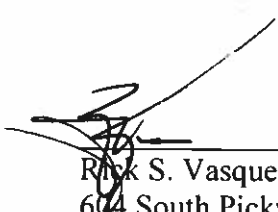
Subscribed and sworn to before me this 17<sup>th</sup> day of August, 2021.

  
Notary Public

My Commission Expires:



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